

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 6, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, Swenson, and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Agenda Item VI.G. Ground Lease - Cellular Equipment - Highland Park, Continued from February 20, 2007, and Agenda Item VI.H. Resolution No. 2007-34 Approving Transfer of Property, 6704 Point Drive.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF FEBRUARY 20, 2007, AND STUDY SESSION OF FEBRUARY 27, 2007, APPROVED** Motion made by Member Masica and seconded by Member Swenson approving the Minutes of the Regular Meeting of February 20, 2007, and Study Session of February 27, 2007.

Motion carried on rollcall vote - five ayes.

SCOUTS FROM SHEPHERD OF THE HILLS LUTHERAN CHURCH WELCOMED

Mayor Hovland welcomed Scouts from Troop 123 from Shepherd of the Hills Lutheran Church and Assistant Scout Leader Jeff Hartman who were working on their Citizenship in the Community Merit Badge.

'EDINA UNPLUGGED' EVENT ANNOUNCED Bert Ledder, 6709 Cheyenne Trail and Member of the Edina School Board, gave background into the March 12, 2007, second annual 'Edina Unplugged' event. She encouraged 'Unplugging' and enjoying family face time without interruption.

RESOLUTION NO. 2007- 37 APPROVING ROADWAY IMPROVEMENT NO. BA-331 - CONCORD AVENUE ROADWAY IMPROVEMENTS Affidavits of Notice were presented approved and ordered placed on file.

Member Swenson informed the Council she was a resident of Concord Avenue and asked if there would be a conflict of interest. Acting City Attorney Lindgren said there would be no conflict of interest with her participation and vote.

Assistant Engineer Sullivan informed the Council that staff initiated the reconstruction project of Concord Avenue from Valley View Road to South View Lane because of the poor condition of pavement and surface water drainage and storm sewer issues. As part of the project, the existing roadway, including concrete curb and gutters would be reconstructed.

Minutes/Edina City Council/March 6, 2007

Sidewalks from School Road to South View Lane would be reconstructed as well as adding sidewalks from Valley View Road to School Road. Mr. Sullivan noted that lighting in the area would be upgraded with an acorn-type of decorative light.

The estimated cost of the project was \$2,090,000 which includes City owned utility repairs. Twenty percent of the estimated \$1,580,000 for the roadway costs will be funded through special assessments. Mr. Sullivan indicated the remaining portion will be paid for from the State gas tax fund as appropriated through the Municipal State Aid System. The project was scheduled to begin in the spring and completed in the fall.

Questions and concerns were voiced by residents, Maria Fesenmaier, 5713 Concord Avenue; Ron Fresquez, 5713 Concord Avenue; Goodwin Luck, 5929 Concord Avenue; and Ryan Langsev, 5801 Concord Avenue; and included: 1) signage on Concord, 2) where drains were placed in the roadway, 3) tree stump, 4) number/location of lights installed, 5) how much was the special assessment and how will it be assessed, and 6) holding pond elevation for rainwater.

Member Swenson made a motion to close the public hearing, seconded by Member Masica.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

Following a Council discussion and response to concerns, **Member Housh introduced Resolution No. 2007-37 Roadway Improvement No. BA-331 Concord Avenue Roadway Reconstruction from Valley View Road to Southview Lane.** Member Swenson seconded the motion.

Rollcall:
Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2007-38 APPROVING FINAL DEVELOPMENT PLAN (3101 - 3201 WEST 69TH STREET) DEAN DOVOLIS/TOM MILLER; AND APPEAL OF ZONING BOARD OF APPEALS DECISION OF VARIANCE APPROVED Affidavits of Notice were presented approved and ordered placed on file.

Planner Teague explained the developer, Tom Miller, has a plan to raze the two existing office buildings at 3101 and 3201 West 69th Street. The proposed plan would be an elevated 49,000 square foot retail store along York Avenue with parking under the building as well as an 86 unit four-story, 55 unit apartment building. The apartment building would be marketed to seniors along the east side, near single-family homes located in Richfield. Mr. Teague elaborated that the development plan and conditional use permit was granted with several conditions that would include agreements for a public water main installation along West 69th Street and Xerxes Avenue and sanitary sewer along 69th Street. A Traffic Demand Management plan and an agreement that the developer will pay for improvements required on 69th Street, York Avenue and their intersection, and no construction traffic on West 70th Street. In addition, the final landscaping plan must be adhered to.

Dean Dovolis, 5009 Ridge Road, DJR Architects, presented artists depictions of the proposed retail and housing development with the unique feature that all parking was concealed with no visible lots. He responded to Council concerns and questions.

Residents that voiced questions or concerns were Michelle Kalantari, 6821 Sheridan, Richfield; Mayor Debbie Goettel, City of Richfield; Gene Persha, 6917 Cornelia Drive; and Sam Major, 4141 Parklawn Avenue #304. A comment was received that the surrounding neighbors thanked the City for the proposed project. They questioned whether, 1) the fire lane as proposed was possible, 2) the sewers in the area would support the stress of the development and 3) the fire lane would be plowed.

After a Council discussion, **Member Swenson introduced Resolution No. 2007-38 Approving the Final Development Plan with building setback variances from 35 feet to 20 feet from York Avenue and 69th Street and a Conditional Use Permit for multi-residential uses with conditions, 1) site developed and maintained in conformance with the February 28, 2007, site plan, grading plan, landscaping plan and building elevations; 2) Final recorded landscape plan, 3) replacing all landscaping material that dies, 4) Obtaining a Nine-Mile Creek Watershed District permit, 5) Storm water from the site treated on site, 6) Developer's Agreement for public water main installation along W. 69th Street and Xerxes Avenue and sanitary sewer along W. 69th Street; 7) Traffic Demand Management Plan submitted prior to issuance of building permit and developer responsible for improvements required on W 69th Street, York Avenue and intersection of these roadways; 8) Construction personnel avoid 70th Street between Highway 100 and France to reach the site, and 9) Project built as plans were presented.** Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion affirming the decision of the Zoning Board of Appeals. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-35 ORDERING ALTERNATIVE URBAN AREAWIDE REVIEW (AUAR) - PENTAGON OFFICE PARK Affidavits of Notice were presented, approved and placed on file.

Mr. Teague explained the City received a request for a mixed-use redevelopment proposal in the Pentagon Office Park area at West 77th Street and Minnesota Highway 100. The site was approximately 40 acres and could include up to 1 million square feet of office space, 80,000 square feet of retail, 800 units of senior housing and a 150 room hotel. Senior housing would be part of the proposal and located south of the Fred Richards Executive Golf Course and the office, retail and hotel located on the Pentagon Tower site.

Mr. Teague noted in this case, an Alternative Urban Areawide Review (AUAR) has been suggested and would be allowed by the State and could be used when an Environmental Impact Study (EIS) was required. Acting City Attorney Lindgren explained fully that an

Minutes/Edina City Council/March 6, 2007

AUAR allows the flexibility to examine different development scenarios, including what would be allowed under the current zoning and Comprehensive Plan. An AUAR allows cities to evaluate how much development can be accommodated in an area without significant environmental impacts. He reminded the Council the AUAR must be completed within 120 days. If no objections were heard, the proposal may be considered and adopted by the Council.

Following a Council discussion centering around expanding the proposed area the AUAR would encompass, **Member Housh made a motion approving Resolution No. 2007-35 approving the City Council to order the Alternative Urban Areawide Review (AUAR) for a potential development project at 77th Street and Highway 100, Pentagon Office Park.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***HEARING DATE SET OF MARCH 20, 2007 - FINAL DEVELOPMENT PLAN FOR 7380 FRANCE AVENUE SOUTH (TOM MILLER)** Motion made by Member Masica and seconded by Member Swenson setting March 20, 2007 for hearing date for Final Development Plan for 7380 France Avenue South - Tom Miller.

Motion carried on rollcall vote - five ayes.

PUBLIC COMMENT No one appeared to speak.

***AWARD OF BID - 3/4 TON CHEVROLET PICKUP TRUCK - PUBLIC WORKS** Motion made by Member Masica and seconded by Member Swenson for award of bid for a ¾ ton Chevrolet Pickup Truck for Public works to recommended bidder, Thane Hawkins Polar Chevrolet under State Contract #436607 at \$20,743.96.

Motion carried on rollcall vote - five ayes.

***AWARD OF BID - TRAILER MOUNTED OIL TANK** Motion made by Member Masica and seconded by Member Swenson for award of bid for a trailer mounted oil tank to recommended bidder, Ruffridge Johnson Equipment Co., under State Contract #43894 at \$17,551.20.

Motion carried on rollcall vote - five ayes.

***AWARD OF BID - TRUCK BOXES FOR TWO NEW TANDEM SNOWPLOW TRUCKS, INCLUDING HYDRAULICS AND SNOWPLOW EQUIPMENT** Motion made by Member Masica and seconded by Member Swenson for award of bid for truck boxes for two new tandem snowplow trucks including hydraulics and snowplow equipment.

Motion carried on rollcall vote - five ayes.

PRESENTATION GIVEN ON INTERGENERATIONAL DIALOGUE COMPREHENSIVE PLAN Assistant Manager Worthington explained staff planned to conduct an Intergenerational Dialogue in order to solicit input from members of all five generations living in Edina for the Comprehensive Plan. The process was unique in creating plans that combine and reflect the different experiences and needs of members of all age groups. A consultant has been secured to work with staff on the effort.

Ms. Worthington requested the Council personally invite individuals to participate. She presented a diversity grid that would help identify residents who could bring a broad range of experiences and perspectives to planning for neighborhoods that meet the needs of all ages with the goal being to create the most diverse audience possible. Ms. Worthington said she would like a minimum of 50 participants representing all five generations with many of the characteristics as depicted on the grid. Tentative plans would be to hold the dialog from 5:30 – 9:00 in the Council Chambers at a date yet to be determined.

Following a brief Council discussion, no formal action was taken.

ON-SALE INTOXICATING, CLUB ON-SALE, AND SUNDAY SALE LIQUOR LICENSE RENEWALS APPROVED Mr. Hughes said renewal applications of On-Sale Intoxicating, Club On-Sale and Sunday On-Sale Liquor Licenses have been reviewed by the Administration and Edina Police Departments and renewals were recommended. Applicants' paperwork has been submitted in accordance with City Ordinances and State Statutes.

Member Housh made a motion approving renewals for the following: ON-SALE INTOXICATING AND SUNDAY SALE: Big Bowl Café, California Pizza Kitchen, Crave Restaurant, Eden Avenue Grill, Edina Grill Restaurant, Kozy's Steaks and Seafood, Maggiano's Restaurant & Bakery, P.F. Chang's Bistro, Romano's Macaroni Grill, Ruby Tuesday, Salut Bar Americain, Tejas, The Cheesecake Factory; and CLUB and SUNDAY SALE: Edina Country Club, and Interlachen Country Club. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

WINE LICENSE RENEWALS APPROVED Mr. Hughes presented the list of restaurants holding On-Sale Wine and On-Sale 3.2 Beer Licenses recommended for approval. Mr. Hughes said all necessary documentation has been submitted for renewal, fees collected and the Administration and Police Department have recommended approval. He noted one licensee; Asian Ginger Bistro has not filed a complete application.

Member Masica made a motion approving the following ON-SALE WINE and ON-SALE 3.2 BEER license renewals as follows: Beaujo's, Chapati, Chipotle Mexican Grill, Chuck E. Cheese's, D'Amico & Sons, Good Earth Restaurant, Marriott Residence Inn, Noodles & Company and Szechuan Star Restaurant. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

3.2 BEER LICENSE RENEWALS APPROVED Mr. Hughes presented a list of applicants for renewal of their 3.2 beer licenses, both On-Sale and Off-Sale. All documentation has been submitted for renewal, fees have been collected and the Administration and Police Departments have recommended approval.

Minutes/Edina City Council/March 6, 2007

Member Bennett made a motion approving issuance of beer license renewals as follows: ON-SALE 3.2 BEER LICENSES: Davanni's Pizza/Hoagies, and TJ's Family Restaurant; OFF-SALE 3.2 LICENSES: Cub Foods, Holiday Stationstore #217, Jerry's Foods, Speedway Superamerica LLC. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***HEARING DATE SET OF APRIL 3, 2007, FOR TEMPORARY INTOXICATING LIQUOR LICENSE FOR 50TH & FRANCE BUSINESS AND PROFESSIONAL ASSOCIATION**
Motion made by Member Masica and seconded by Member Swenson setting April 3, 2007, as hearing date for Temporary Intoxicating Liquor License for 50th & France Business and Professional Association.

Motion carried on rollcall vote – five ayes.

GROUND LEASE FOR CELLULAR EQUIPMENT FOR GARDEN PARK APPROVED Ms. Worthington explained T-Mobile Cellular approached the City for permission to install ground equipment to power a cellular antenna to be mounted to the Xcel Energy transmission tower that bisects Garden Park at 5220 Hansen Road. T-Mobile has secured a separate lease agreement with Xcel Energy for use of their tower.

Following a Council discussion, **Member Swenson made a motion approving the Council to approve a ground lease agreement with T-Mobile Cellular for installation of ground equipment to power a cellular antenna at Garden Park.** Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

GROUND LEASE FOR CELLULAR EQUIPMENT AT HIGHLANDS PARK APPROVED
Member Masica removed the requested Ground Lease for Cellular Equipment at Highlands Park from the Consent Agenda for further information about the height of the planned screening, and adequate fencing. The location of the proposed equipment would be in Highlands Park just off Interlachen Boulevard because Sprint/Nextel has little coverage in the area.

Following a Council discussion, **Member Masica made a motion approving the Council to approve a ground lease agreement with Sprint/Nextel for installation of ground equipment to power a cellular tower in Highlands Park.** Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-34 APPROVING TRANSFER OF PROPERTY – 6704 POINT DRIVE Member Swenson asked that Resolution No. 2007-34 approving the transfer of property at 6704 Point Drive be removed from the Consent Agenda for further information. She inquired whether the City incurred any expenses due to the transfer. Mr. Hughes said attorney fees incurred would be reimbursed back to the City.

Member Swenson introduced Resolution No. 2007-34, the Transfer of Property at 6704 Point Drive and moved its approval. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2007-35 APPROVED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Bennett introduced Resolution No. 2007-35 accepting various donations and moved its adoption. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2007-36 APPROVED, REQUESTING COMPREHENSIVE TRANSPORTATION FUNDING IN 2007 Mr. Hughes noted the League of Minnesota Cities (LMC) and the Municipal Legislative Commission recommends cities adopt resolutions urging the Legislature to adopt Comprehensive Transportation Funding strategies in the 2007 session. Staff recommends adoption of the Resolution as presented.

Following a brief Council discussion, **Member Masica introduced Resolution No. 2007-36 Requesting Comprehensive Transportation Funding in 2007 and moved approval.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

REPORT PRESENTED ON ICLEI (LOCAL GOVERNMENTS FOR SUSTAINABILITY) MEMBERSHIP Ms. Worthington reminded the Council in January 2007, they requested staff to review requirements for membership in ICLEI (Local Governments for Sustainability), specifically the "Cities for Climate Protection Campaign" (CCP). The cost for ICLEI membership would be approximately \$600 per year, based on a population of 48,000.

Following a Council discussion centering on the possible formation of an "Energy and Environmental Commission" at the March 20, 2007, Council meeting, Mr. Hughes suggested making a decision on membership to ICLEI at that meeting.

No formal Council action was taken.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated February 21, 2007, and consisting of 25 pages: General Fund \$103,761.13; Communications Fund \$24,070.05; City Hall Debt Service \$1,260.00; Working Capital Fund \$73,908.43; Construction Fund \$1,065.00; Art Center Fund \$1,356.61; Golf Dome Fund \$18,062.76; Aquatic Center Fund \$38.44; Golf Course Fund \$41,662.04; Ice Arena Fund 30,602.83; Edinborough/Centennial Lakes Fund \$28,269.17; Liquor Fund \$170,464.15; Utility Fund \$27,831.14; Storm Sewer Fund \$218.72; PSTF Agency Fund

Minutes/Edina City Council/March 6, 2007

\$690.22; TOTAL \$523,260.69; and for approval of payment of claims dated February 28, 2007, and consisting of 29 pages: General Fund \$234,321.02; Communications Fund \$4,071.66; Working Capital Fund \$1,454.63; Art Center Fund \$18,107.86; Golf Dome Fund \$83.45; Aquatic Center Fund \$175.00; Golf Course Fund \$5,605.65; Ice Arena Fund \$24,229.61; Edinborough/Centennial Lakes Fund \$14,800.20; Liquor Fund \$98,766.43; Utility Fund \$51,856.55; PSTF Fund \$133.13; TOTAL \$453,605.19.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:35 P.M.

Respectfully submitted,

City Clerk